

THE
T R I A L
OF
Capt. *JOHN PORTEOUS*,
BEFORE THE
High Criminal Court,
OR
LORDS of JUSTICIARY,
IN
SCOTLAND.



L O N D O N :

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THE
T R I A L
OF

Capt. *JOHN PORTEOUS*.

The LIBEL, or INDICTMENT.



JOHN PORTEOUS, lately one of the Captain Lieutenants of the City-Guard of *Edinburgh*, now Prisoner within the Tolbooth of the said City, YOU are indicted and accused at the Instance of *Duncan Forbes*, Esq; his Majesty's Advocate for his Highness's Interest; THAT WHERE by the Law of GOD, the common Law, the municipal Law and Practice of this Kingdom, and the Laws of all other well governed Realms, Murder and Slaughter, Maiming and Wounding with mortal Weapons, any of the Subjects of such Realms, and the ordering, commanding and causing any Band, or Number of Men, armed with Firelocks and other mortal Weapons, to fall upon, wound, murder, and destroy Numbers of his Majesty's Subjects, innocently and lawfully assembled, by firing sharp Shot

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amongst

amongst them, whereby Multitudes are, or may be endangered, and many Men, Women, and innocent Children are, or may be killed or wounded, without any just Cause or Occasion, and without lawful Warrant; more especially, when committed in the publick Streets of a City, by a Person lawfully commissioned by the Magistrates thereof, to command such Band of armed Men, for the Preservation of Peace and Order, and for the Defence of the Inhabitants, and others resorting thereto, are Crimes of a high Nature, and severely punishable; YET TRUE IT IS, and of Verity, That you the said *John Porteous*, have presumed to commit, and are guilty and accessory, or Art and Part of all and every, or one or other of the foresaid Crimes aggravated as aforesaid: IN SO FAR AS, upon the Fourteenth Day of *April* last, or one or other of the Days of the said Month, when the deceas'd *Andrew Wilson*, sentenced to be hang'd to Death by the High Court of Justiciary, was to be executed at the *Grass-Market* of the City of *Edinburgh*, you being at that time one of the Captain-Lieutenants of the Town-Guard of the said City, lawfully commissioned by the Magistrates and Town-Council thereof; and in the ordinary Course of Rotation, with the other Officers of the said Guard, being ordered to attend at the said Execution, to preserve the Peace, and support the Executioner in the Discharge of his Duty, having under your Command a Detachment of about seventy Men, you did then attend in the said *Grass-market* accordingly; and after the said *Andrew Wilson* had hung upon the Gallows erected for his Execution, until he was dead, at least for a considerable Time, and so long as there was Ground to conclude he was dead; YOU shaking off all Fear of GOD, and Respect to his Majesty's Laws, and conceiving a most wicked
and

and malicious Purpose of destroying, wounding, and maiming Numbers of his Majesty's Subjects, the Inhabitants of the said City of *Edinburgh*, and others there assembled at the said Execution, without any just Cause or necessary Occasion, ordered the said Detachment of the Guard, under your Command, to fire upon the People so assembled at the said Execution. And the Men, at least severals of them, having fired, as it seems you apprehended, over the Heads of the Multitude, so as to avoid doing them harm; you with Threats and Imprecations repeated your Commands to fire, calling out to them, *to level their Pieces and be damn'd*, or Words to that purpose; and at or about the same time, you levelled the Firelock that was in your own Hand, taking aim at *Charles Husband*, Servant to *Paul Husband*, Confectioner in the Abbey of *Holy-rood-house*, and most wickedly and murderously fired at him, whereupon he immediately dropped to the Ground, having received a Wound by a Bullet, or large Drop of Lead, on the left Side of his Head, which pierced into his Brain, and another large Wound likewise by a Bullet, or large Drop of Lead, on the left Side of his Neck; and a third Wound in his Body, and a fourth Wound in his left Hand, at least a mortal Wound or Wounds, whereof he died in some short Space thereafter: AT LEAST, you did so level your Piece, and appeared to take your Aim at some one of the innocent Multitude, who happened to stand directly over-against you; and you did fire, and upon your so firing, the said *Charles Husband*, at least one or other of the Persons particularly after mentioned, or more of them, did immediately drop to the Ground, having received a mortal Wound or Wounds, whereof they soon after died. And by your said Example and Command, severals of the said Guard, to the Number

ber of twenty, less or more, did at the same time with you, or soon after you, fire upon the innocent Multitude; whereby all, or one or more of the following Persons recived mortal Wounds, whereof they soon after died, viz. *Archibald Ballantyne*, Son to *John Ballantyne* younger, Dyfter in *Dalkeith*, received several Wounds, with Bullets or large Drops of Lead, which pierced into his Body, at least a mortal Wound or Wounds in his Head or Body, whereof he died a few Days thereafter. AND *John Anderson*, Son to *George Anderson* in *Craighead*, Drover, received a Wound in the Head with a Bullet or large Drop of Lead, at least a mortal Wound or Wounds in his Head or Body, so that he died in few Hours thereafter. AND the following Persons were grievously maimed, hurt, and wounded, to the great Danger of their Lives, viz. *Margaret Arthur* alias *Airth*, Residenter in the *Canongate*, near the *Water-gate* thereof; *Jean Peat* Servant to *James M'Douall* Merchant in *Edinburgh*, *David Wallace* Journeyman Wright in *Edinburgh*, *James Philp* late Servant to *Lauder Esq*; Residenter in the *Canongate*, *David Kidd Taylor* in *Edinburgh*, *Patrick Spalding* Apprentice to *David Mitchel* Jeweller in *Edinburgh*, *James Lyle*, and *Alexander Wallace*, both Servants to *James Wright* Staymaker in *Edinburgh*, *John Miller Taylor* in *Edinburgh*, *David Ogilvie* Writer in *Edinburgh*, and *James Nivan* late Servant to *William Sellars* Writer in *Edinburgh*, Residenter in the *Potterrow*. AT LEAST, the said Persons were so killed, wounded, and maimed, by the firing in manner, and by the direction as aforesaid, and by the second Firing after mentioned: for not contented with the Barbarities thus committed, after you had, with the said Company or Detachment of the City-Guard, marched towards, or into the Place or Street called the *West-Bow*, you without
just

just Cause or Occasion, again ordered the Men under your Command, to face about and fire upon the People ; and at or about the same time, you fired a Musket or Firelock that was in your own Hand, having either re-loaded, or caused to be re-loaded your own Piece, or taken another out of the Hand of one of the Guard ; and severals of the said Guard did, upon that second Example and Command of yours, fire upon the Multitude, whereby *Alexander M^cNeil*, Son to *Edward M^cNeil* Indweller in *Mortonball*, received a Shot in the Head, with a Bullet or Lead Drop, which pierced into his Brain, at least, a mortal Wound or Wounds in his Head or Body, so that he died thereof in a few Days thereafter ; and *Margaret Gordon*, Servant to *William Ogilvie* Taylor in *St. Mary-Wynd* in *Edinburgh*, received a Wound in the Head above her left Eye, with a Bullet or large Drop of Lead, which pierced into her Brain, at least a mortal Wound or Wounds in her Head or Body, so that she died thereof in a short Space thereafter ; and *Henry Graham* Taylor in *Canongate*, received a Wound in the Head, with a Bullet or large Drop of Lead, which pierced into his Brain, at least a mortal Wound or Wounds in his Head or Body, of which he died in a few Hours thereafter: AT LEAST, by this, and the other Firings by you, and by your Order and Example above mentioned, all, or one or more of the Persons particularly above recited; as having been killed, received mortal Wounds, of which they soon after died, and all, or one or more of the Persons above recited to have been wounded, were grievously maimed, hurt, and wounded, to the great Danger of their Lives : AT LEAST, at the Time and Place aforesaid, the said Persons above named and mentioned, to have been respectively killed and wounded, were all, or one or more of them, wickedly
and

and maliciously slaughtered, murdered and wounded, by Wounds severally given them by mortal Weapons. AND YOU ARE GUILTY, Art and Part, of the Slaughter, Murder, and wounding of all, or one or more of them. ALL WHICH, or any Part thereof being found proven by the Verdict of an Assize, in presence of the Lord Justice General, Justice Clerk, and Commissioners of Justiciary, you ought to be most exemplarily punished with the Pains of Law, to the Terror of others to commit the like in Time coming.

CH. ARESKINE, A. D.

Interlocutor of Relevancy pronounced by the said Lords, upon the 6th of July 1736.

“ **T**HE Lord Justice-Clerk, and Lords
 “ Commissioners of Justiciary, having con-
 “ sidered the Indictment, pursued at the Instance
 “ of *Duncan Forbes Esq;* His Majesty's Advocate,
 “ for His Highness's Interest, against *John Porteous Pannel, Fand*, That the Pannel having, at
 “ any of the Times and Places libelled, fired a
 “ Gun among the People assembled at the Execu-
 “ tion libelled, or having given Orders to the
 “ Soldiers, under his Command, to fire, and
 “ thereupon they, the Soldiers, or any of them,
 “ having accordingly fired; and, upon the Fi-
 “ ring, either by himself or them, the Persons,
 “ mentioned in the Indictment, or any of them,
 “ were killed or wounded; or the Pannel's being
 “ Art and Part of any of the foresaid Crimes, are,
 “ *separatim*, relevant to infer the Pains of Law:
 “ But allowed the Pannel to adduce what Evidence
 “ he

“ he could, with respect to his Behaviour at the
 “ Time the foresaid Crimes are libelled to have
 “ been committed, for taking off the Circumstan-
 “ ces which should be brought for inferring his be-
 “ ing guilty, or Art and Part of the Crimes libel-
 “ led; and remitted the Pannel, and the Indict-
 “ ment as found relevant, to the Knowledge of an
 “ Assize.”

Names of the ASSIZE, or PETIT-JURY,
 stand as follow.

SIR John Inglis of Cramond,
 Alexander Gibson of Pentland,
 George Haliburton of Fordel,
 James Baird of Chesterhall,
 John Hogg of Cammo,
 Thomas Dundas of Lethem,
 Alexander Brand of Brandfield,
 John Jollie Vintner in Edinburgh,
 James Hunter Wright there,
 William Wight Baxter there,
 John Bell Brewer there,
 James Davidson Bookseller there,
 David Inglis Merchant there,
 Alexander Sharp Merchant there,
 Patrick Manderston Merchant there.

The Pannel's judicial Confession.

THE Pannel John Porteous judicially confessed,
 That, Time and Place libelled, the several
 Persons mentioned in the Indictment to have been
 killed and wounded, viz. Archibald Ballantine, Son
 to John Ballantine younger, Dyster in Dalkeith;
 Margaret Arthur, alias Airth, Residenter in the

Canongate, near the *Water-gate* thereof; *John Anderson*, Son to *George Anderson* in *Craighead*, Drover; *Jean Peat*, Servant to *James Mac Doual*; Merchant in *Edinburgh*; *David Wallace*, Journeyman Wright in *Edinburgh*; *James Philp*, late Servant to ——— *Lauder*, Esq; Residenter in the *Canongate*; *David Kid*, Taylor in *Edinburgh*; *Patrick Spaldane*, Apprentice to *David Mitchell*, Jeweller in *Edinburgh*; *James Lyal* and *Alexander Wallace*, both Servants to *James Wright*, Stay-maker in *Edinburgh*; *John Miller*, Taylor in *Edinburgh*; *David Ogilvie*, Writer in *Edinburgh*; and *James Newin*, late Servant to *William Sellers*, Writer in *Edinburgh*, now Residenter in the *Potter-row*; *Alexander Mac Neil*, Son to *David Mac Neil*, Indweller in *Mortonhall*; *Margaret Gordon*, Servant to *William Ogilvie*, Taylor in *St. Mary-Wynd* in *Edinburgh*; *Henry Graham*, Taylor in the *Canongate-head*; and *Charles Husband*, Servant to *Paul Husband*, Confectioner in the *Abbey of Holy-rood-house*; were so killed or wounded, by Firing proceeding from the Party of the City Guard then under his Command, as mentioned in the Indictment.

His Majesty's Advocate, for proving his Libel, adduced upon 19th July, 1736, the Witnesses after deponing, viz.

Witness I. *James Drummond*, Merchant, and Residenter in *Edinburgh*, aged 30 Years, or thereby, married, solemnly sworn, purged of Malice, partial Counsel, examined and interrogate, deponed, That Time and Place libelled, and after *Andrew Wilson* had hung some time upon the Gallows, about a Quarter of an Hour, as the Deponent thinks, he saw the Executioner going up the Ladder, as the Deponent apprehended, to cut him down;

down; upon which, he saw some small Stones thrown by the Mob at the Executioner, some whereof, the Deponent believes, might have fallen upon the Guard. Upon which, he saw the Pannel advance from the Guard westward, resting his Firelock upon his Thigh, as if he had been bending it, and thereafter saw him raise it to his Breast, moving it from one Point to another; and soon thereafter, the Deponent heard a Shot from the Place where the Pannel was standing, but did not observe whether the Shot came from Captain *Porteous's* Firelock. And, much about the same time, observed one of the Soldiers go out of his Rank west-ward, and upon the north side of Captain *Porteous*, and saw him go further west than the Place where Captain *Porteous* was; the side of the Window, where the Deponent was standing in *Robertson's* House, covered the said Soldier from the view of the Deponent, by the time the first Shot was fired; and which Soldier had a Gun and a screwed Bayonet in his hand, levelled, with the Butt-end of it at his Breast: And the Deponent did apprehend, at the time, that Captain *Porteous* had fired, because he saw him in a firing Posture; and immediately heard a Shot, and saw a Man, in a few Minutes thereafter, as soon as the Mob dispersed, lying upon the Street, upon a Line whither the Deponent saw Captain *Porteous's* Piece directed, and that the above-named Soldier came from the Body of the Guard, which was behind Captain *Porteous*. *Causa scientiæ patet.* And this was Truth, as he should answer to G O D.

Wit. II. Sir *William Forbes*, Advocate, aged 30 Years, or thereby, married, solemnly sworn, purged of Malice, partial Counsel, examined and interrogate, *deponed*, That, Time and Place libelled, and after the deceas'd *Andrew Wilson* had hung about 20 or 25 Minutes upon the Gallows, the Deponent,

from a Window in Orr the Stabler's House, opposite, but a little to the westward of the Gallows; saw the Executioner go up some Steps of the Ladder, as the Deponent believed, to cut down the said Deceas'd, and saw thereupon Stones thrown at the Executioner. Upon which the Executioner immediately retired to the Guard, and the Mob continued throwing of Stones, so that the Deponent does believe, some of the Stones might have touched the Guard; and about this time, the Guard were drawing together, to the North and West of the Gallows, where the Captain was standing, and did soon thereafter see the Pannel advancing westward, fire his Gun among the People assembled at the Execution, and observed the Fire and Smoke issuing out at the Muzzle of his Piece, to the best of the Deponent's Observation, which he thought at the time very distinct, and that the said Shot was the first which the Deponent heard; and the Deponent at the time did imagine, that the Pannel had fired his Shot high, but whether that proceeded from the Situation that his Firelock was in, or from the Appearance that the Fire and Smoke made, that issued out of his Piece, the Deponent could not particularly charge his Memory. That thereafter, the Deponent heard several dropping Shots, about 20, but cannot be positive as to the Number. That when the foresaid Facts hapned, the Deponent was upon the south side of the Street, and the Pannel to the north of the Middle of the Street, almost opposite to the Window where the Deponent was; and when the Pannel so fired, the Deponent did not observe any Soldiers so far advanced westward from the Body of the Guard as the Pannel was. *Causa scientia patet.* And this was the Truth, as he should answer to G O D.

Wit.

Wit. III. Mr. *William Frazer*, Son to the Lord *Salton*, aged 24 Years, or thereby, unmarried, solemnly sworn, purged of Malice, partial Counsel, examined and interrogate, *deponed*, That he was in a Window in one *Orr's* House, in the *Grass-market*, the south side of the Street, that Day that *Andrew Wilson* was execute; that after *Wilson* had hung some time on the Gallows, he saw the Executioner go up some Steps of the Ladder, as he apprehended, to cut him down; and then saw the Mob throw Stones and Dirt at him, upon which the Hangman came down, and went in amongst the Soldiers that were standing at the foot of the Scaffold: That soon after the Hangman had come down, he saw the Pannel present, and level his Gun, moving the Muzzle to and fro, and then saw him fire, and, to the best of his Knowledge or Apprehension, saw the Smoke issue out of the Mouth of the Piece; that immediately thereafter, within a Second or two, he heard several dropping Shots fired by the Soldiers, who were there on their Arms; that he thought the dropping Shots he then heard, came from near the Place where the Pannel was standing. And *deponed*, That, at the Time foresaid, the Pannel fired his Gun, he did not observe any of the Soldiers advance before him, and present their Guns. *Causa scientiæ patet*. And this was Truth, as he should answer to G O D.

Wit. IV. Mr. *William Urquhart* of *Meldrum*, aged 38 Years, or thereby, married, solemnly sworn, purged of Malice, partial Counsel, examined and interrogate, *deponed*, That he was present at *Andrew Wilson's* Execution, the Time libelled, in the House of one *Orr*, on the south side of the Street, in company with Sir *William Forbes* and Mr. *Frazer*, the preceeding Witnesses; That after *Wilson* had hung some time, he saw the Executioner go
up

up some Steps of the Ladder, in order to cut him down, as he apprehended, and saw the Mob throw several Stones at him, upon which he came down; thereafter the Mob continued to throw Stones, some of which fell among the Guard; whereupon he heard several dropping Shots fired by the Soldiers. That he saw the Pannel present his Piece, immediately heard a Shot, which he apprehended was shot by the Pannel; but did not observe it so narrowly, as to see the Smoke or Fire issue out of his Piece. *Causa scientiæ patet.* And this is the Truth, as he shall answer to GOD.

Wit. V. *James Dewar* of *Vogrie*, aged 64 Years, or thereby, married, solemnly sworn, purged of Malice, partial Counsel, examined and interrogate, deponed, That, Time and Place libelled, at *Andrew Wilson's* Execution, he was in a Window in his own House, at the Foot of the *West-bow*, on the East-side of the Way, that he saw the Hangman go up some Steps of the Ladder, after *Wilson* had hung some time, and saw the Mob throw some Stones, one of which hit the Executioner on the Face, upon which he came down the Ladder; whereupon he saw the Pannel present his Piece and fire, which was the first Shot he heard or saw: That when he saw the Pannel fire, his Side was to the Deponent, and that the Pannel was then standing on the East-side of the Gibbet, and that he fired his Piece to the West; and deponed he saw the Fire of the Powder from the Pan, and heard the Report of the Shot. Deponed, That when the Pannel fired, as aforesaid, he was standing on the South-east Side of the Scaffold. Deponed, That *Wilson* was cut down, not by the Hangman, but by some that were standing at the Foot of the Gallows; and that *Wilson* was cut down before he heard any Shots. Deponed, That he stood at his own

own Window, before *Wilson* was thrown over, and continued looking at the Place of Execution, till he was cut down, and heard the Shots, as before-mentioned. And being interrogate, what kind of Clothes Capt. *Porteous* had then on, declared he could not be positive, but believes they were red Clothes; but is positive that he knew Capt. *Porteous*'s Face, when he saw him fire. *Causa scientiæ patet.* And this was Truth, as he shall answer to GOD.

Wit. VI. *George Drummond*, Esq; one of the Commissioners of the Customs, aged Years, or thereby, married, solemnly sworn, purged of Malice, partial Counsel, examined and interrogate, deponed, That, at the Time and Place libelled, the Deponent was in the House of Bailie *Haliburton*, on the right Hand on the North-side of the Corner of the strait Bow, the third Story, at the time of the Execution of *Andrew Wilson*; and, from a Window of the said House, after the Criminal was thrown over, and had hung for 15 or 16 Minutes, the Executioner was about going up the Ladder, and after he went up two or three Steps, he observed several Stones thrown at him, which made him return; and while he was on the Ground, he observed his Nose bleeding; and, at this time, he observed one or two Persons, or more, standing at the Foot of the Gallows, one of whom, stretching up his Arm with a Knife, he observed, cut the Rope, the Executioner having mixed with the Soldiers. He did observe the throwing of Stones to continue, and some of them fell amongst the Soldiers. Deponed, That, immediately thereafter, he observed one of the Soldiers advance a little before Mr. *Porteous*, to the Westward, with a Gun in his Hand, which he presented, and immediately thereupon the Deponent heard a Shot, which he imagined to be from that Soldier; but did not observe

observe Fire or Smoke, tho', at the time, he concluded it was from that Soldier's Gun, and is positive, That that was the first Shot that was fired; and the Deponent did not think that the Stones that were thrown did give any just Cause for the firing. *Deponed*, That, about the time, when he observed the Soldier present his Gun, as said is, he also observed the Pannel holding his Gun in his Hand in a Level; but is not sure of his putting the Butt of it to his Shoulder. *Deponed*, That after the said first Shot, within a Minute he heard another, and so it continued till about the Number of 18 or 20; and this was at the time of the Firing observed by the Deponent; but, within some Minutes thereafter, there was a second Firing, which he did hear, and, upon hearing, came to the Window, and observed some Lime fall from an opposite House, which he judged to have been occasioned by the Bullets; and as to the 18 or 20 dropping Shots in the first Firing, they were from the Soldiers immediately behind the Pannel, betwixt whom and them he observed no Person interposed: And he observed, the time of the first Shot, the Pannel's Face was looking westward, as was all the Soldiers behind him. *Deponed*, That the Soldiers, at that time who fired, were, to the Deponent's best Remembrance, to the Northward of the Scaffold; and the Pannel was then, to the best of his Remembrance, either upon a Line to the Gibbet, or a little Westward of it. Farther *deponed*, That the Soldier who first fired, as said is, advanced from behind the Pannel, and past upon his Right-hand to the Northward of him. *Causa Scientiæ patet*. And this was Truth, as he should answer to GOD.

Wit. VII. *William Johnston* Druggist in *Edinburgh*, aged 40 Years, or thereby, married, solemnly sworn, purged of Malice, partial Counsel,

examined and interrogate, *deponed*, Time and Place libelled, he, the Deponent, being present at the Execution of *Andrew Wilson*, did observe the Pannel take a Gun out of a Soldier's Hand, at which Time he was standing 'twixt the *Corn-Market* and one *Tod's* Shop, which is under Bailie *Habliburton's* House, thereupon he observed the Pannel advance some Steps Westward, and did see him present and level his Gun; *that is to say*, hold it out and fire amongst the Multitude, and did observe the Smoke come out of the Gun: And *deponed*, That this was the first Shot he heard; which Shot immediately followed after the Criminal was cut down by a Hand standing at the Foot of the Gibbet; and the Deponent, at the time, was standing in a Window in the House of one *Gardiner Horse-Ferrier*, by the *Muse-well*; and when the Pannel was taking the Gun out of the Soldier's Hand, he appeared to be in a *Passion*; and it was some short time before he was Master of the Gun. *Deponed*, That, to the best of his Remembrance, the Pannel was cloathed in red; but he being well acquainted with the Pannel's Face, he is positive that he was the Person that took the Gun, and fired, as afore-said; and *deponed*, That, he believes, there was about 30 Yards Distance betwixt the Window where the Deponent was, and the Pannel, at the time of the first Firing. *Causa Scientia patet*. And this was Truth, as he should answer to G O D.

Wit. VIII. *Mark Sprot* Skinner, and one of the Constables of *Edinburgh*, aged 28 Years, or thereby, married, solemnly sworn, purged of Malice, partial Counsel, examined and interrogate, *deponed*, That, Time and Place libelled, as he stood in *William Orr* Stabler's Window, South-side of the *Grass-Market*, he saw *Wilson* the Criminal cut down from

the Gibbet ; upon which Occasion he did not observe that there was any greater Disturbance than usual at Executions : That, a very little while after the Criminal was so cut down, he observed the Pannel advance before the Soldiers ; and, upon the North-side of the Scaffold, over-against the Gibbet, he saw him fire his Piece towards the West, and the Smoke issue out of the Mouth of his Gun ; this, he says, was the first Shot that was fired ; but immediately, upon the back of that, a tall Man, with his own Hair, about the third behind the Pannel, as he thinks, fired off his Piece likewise towards the West, but up in the Air, over the Heads of the Multitude ; that, very soon after, several other dropping Shots followed : after which, when the People fell back and opened, he observed a young Man lying upon the Ground as dead, directly opposite to the Place where the Pannel fired. *Causa Scientiæ patet.* And this was the Truth, as he should answer to GOD.

Wit. IX. *George Campbell Wright* in *Edinburgh*, aged 28 Years, or thereby, married, solemnly sworn, purged of Malice, partial Counsel, examined and interrogated, *deponed*, That, Time and Place libelled, the Deponent stood in the Window of Mr. *Carmichael's* House in the South-side of the *Grass-Market*, directly opposite to the Gibbet ; that a very little after *Wilson* was cut down, he observed the Pannel, with four or five of his Men about him, and that as he pointed his Piece to and fro towards the Multitude, he observed him receive a Stroke by a Stone thrown from behind the Scaffold, off which it rebounded, and struck him ; upon which he immediately fired his Piece : but whether this was the first Shot or not, the Deponent could not tell, for there was three or four fir'd
much

much about the same time; but that the Pannel fir'd he is sure, for he saw Fire and Smoke issue from his Piece. That, upon these Shots already mentioned, he saw a Man fall down upon his Back on the Street; That, after this, he saw the Pannel raise his Musket, and put his Hand to his Cartridge Box, as if he intended to load again; but does not know what followed upon this, because he immediately lost sight of him. *Deponed*, That when the Pannel fired his Piece, as above, he was standing towards the South-east Corner of the Scaffold, and pointed his Piece towards the South-west; that the Pannel's Fire, with the Shots that went off at the same time, were the first that were made on that occasion. *Causa Scientie patet*. And this was the Truth, as he should answer to GOD.

Wit. X. *James Bald* Merchant in *Edinburgh*, aged 32 Years, or thereby, Widower, solemnly sworn, purged of Malice, partial Counsel, examined and interrogate, *deponed*, That, Time and Place libelled, the Deponent stood in the same Window with the immediate preceeding Witness, or, at least, in a Window in the same Room: That, a little after *Wilson* was cut down from the Gibbet, he saw the Pannel advance a little Westward from the *Corn-Market*, towards the South-side of the Gibbet, and fire off his Piece Westward, towards the *Muse-Well*: That, at this time, he saw none of the Soldiers near him, nor observed any other Fire but his; and before there was any more Firing, when the Multitude fell back, he saw a Man lying dead towards the Place that the Pannel pointed his Piece; that he is sure the Pannel fired, since he saw the Fire and Smoke

issue from his Piece. *Causa Scientiæ patet.* And this was Truth, as he should answer to GOD.

Wit. XI. *Andrew Daw*, Servant to *James Montgomerie* Brewer in the *Potter-row*, aged 22 Years, or thereby, married, solemnly sworn, purged of Malice, partial Counsel, examined and interrogate, *deponed*, That, Time and Place libelled, the Deponent was standing at the Foot of *Robertson* the Stabler's Closs, when *Wilson* was cut down from the Gibbet; immediately after which, the Pannel, who was standing in the middle of the Street, between the Deponent and the *Corn-market*, fired his Piece towards the Place where the Deponent was standing; upon which, a Baxter in the *Abbey*, called *Charles Husband*, dropt just by the Deponent, and his, the Deponent's Coat, was torn in the Shoulder with the same Shot: That he heard the Report of the Caprain's Piece, tho' he neither saw the Fire nor the Smoke; yet he is sure the Pannel fired, because he saw no other Piece presented at the same time. That the Pannel, when he fired, as above, was as near to the Deponent, as the End of the Table, where he now stands, is to the West End of this Room. *Deponed*, That the Shot, mentioned to be made by the Pannel, was the first he heard that Day. *Deponed*, That, during the whole time of the Execution, he never came nearer the Scaffold than *Robertson's* Closs-Foot; by *Robertson's* Closs-Foot, is mean'd the End nearest the *Grass-market*. *Causa scientiæ patet.* And this was Truth, as he should answer to GOD; and declared he could not write.

Wit. XII. *Walter Sheargold*, Indweller in *Edinburgh*, aged 28 Years, or thereby, married, solemnly sworn, purged of Malice, partial Counsel,
examined

examined and interrogate, *deponed*, That he was present the Time and Place libelled; and after the Criminal *Wilson* was cut down, he saw Captain *Porteous* fire his Gun, holding the same straight out at the Multitude; and that the Deponent was then within three Yards of the Captain, when he saw him fire; and that after he had fired, he heard him call, *Fire*, then heard some Shots: but he does not know from what Hand they came; for he immediately retired to the *Lawn-market*. *Deponed*, That when the Pannel fired, his left Hand was towards the Scaffold, and he fired towards the *West-port*. *Deponed*, That the Scaffold was nearer to the *West-port*, than the Pannel was when he fired; that is, the Pannel was nearer to the *Corn-market*. *Deponed*, That this Shot, by the Pannel, was the first that he heard at that time, and that he was present all the while of the Execution; that he was so near, as to see the Fire and the Colfin fly out of the Pannel's Gun. *Causa scientiæ patet*. And this was Truth, as he should answer to GOD.

Wit. XIII. *John Richie*, Servant to Mr. *Archibald Murray* Advocate, aged 17 Years, or thereby, unmarried, solemnly sworn, purged of Malice, partial Counsel, examined and interrogate, *deponed*, That, the Time and Place libelled, the Deponent was present at the Execution of *Andrew Wilson*; and after the Criminal was cut down, he saw and heard about three Shots fired; and then he heard a fourth Shot, which was by Captain *Porteous*, and that he saw a Man fall down. But the Deponent imagined; it was from the Pressure of the Croud, that there was very short time betwixt the Shots; but that, which was by Capt. *Porteous*, was last in Order. That after the Criminal was cut down, the Guard drew towards the North-side

North-side of the Scaffold; that the Deponent was standing within two or three Yards of the Foot of *Robertson's* Clofs, when he saw and heard the Firing. *Deponed*, He heard the Pannel mention the word *Fire*, before the Firing. *Deponed*, That the Pannel was, to the best of the Deponent's Remembrance, standing as far West as the Gallows; but he cannot be very positive, the Mob and Croud were such, that he could not very distinctly discern. *Deponed*, That the Shots, mentioned by the Deponent, first three, and then a fourth, was the first he heard that time. *Causa scientiæ patet*. And this was Truth, as he should answer to GOD.

Wit. XIV. *Thomas Cruikshanks*, Servant to *Thomas Trotter*, Brewer, in *Edinburgh*, aged 22 Years, or thereby, unmarried, solemnly sworn, purged of Malice, partial Counsel, examined and interrogate, *deponed*, That, Time and Place libelled, the Deponent, being upon the Causey, on the South-side of the Scaffold, saw the Pannel, who was then standing upon the North side of the Scaffold, fire the Gun, that was in his Hand, upon the Multitude, the Point of the Piece being directed Westward, and saw the Fire and Smoke issue out of the Muzzle of the Gun that was in the Pannel's Hand. And further *deponed*, That the Pannel was standing at the North-side of the Scaffold, and at that End of it which is next the *Bow*: And being interrogate, if the said Shot, that the Pannel fired, was the first Shot, *deponed*, That it was the first Shot; but that several other Shots followed immediately thereafter. *Causa scientiæ patet*. And this was Truth, as he should answer to GOD,

Wit. XV. *James Neilson*, Gardener in the *Bull Clofs* of *Edinburgh*, aged 31 Years, or thereby, married, solemnly sworn, purged of Malice, partial Counsel, examined and interrogate, *deponed*, Time and Place libelled, the Deponent being standing within the Foot of a Turnpike, near the *Musewell*, saw the Pannel, who was then standing upon the North-side of the Scaffold, a little to the eastward where the Gallows was, and saw the Pannel advance westward, towards the Multitude, with his Firelock in his hand, moving it to and again, as if he had been beating back the People; and at the third or fourth Motion, saw the Pannel fire the Piece that was in his hand, upon the Multitude, pointing it westward, and saw the Smoke issue out at the Muzzle of the said Piece: That this was the first Shot which the Deponent heard, which was soon followed by others; for the Deponent observed the Pannel, after he had fired his Piece, retire some Yards to the Soldiers, and saw five or six of those Soldiers advance, and fire upon the Multitude; and soon thereafter, when the Multitude were beat off, the Deponent saw a Boy with black Hair, lying within 10 Yards of the Turnpike where the Deponent was standing, and saw four other Persons lying at different Places upon the Street, and saw the first mentioned Boy bleeding at the Ear. *Causa scientiæ patet*. And this was Truth, as he should answer to G O D.

Wit. XVI. *William Gordon*, Baxter, and Servant in the common Bake-house in *Hastie's Clofs* in *Edinburgh*, aged 21 Years, or thereby, unmarried, solemnly sworn, purged of Malice, partial Counsel, examined and interrogate, *deponed*, That, the Time and Place libelled, the Deponent, being at
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the head of the Turnpike at the back of the *Musewell*, did from thence see Captain *Porteous* Pannel, who was then upon the north west corner of the Gibbet, waved his Firelock to and again, and thereafter saw the said Firelock, while in his hand, go off, and saw the Fire and Smoke go out at the Muzzle of it, and that this was the first Shot which the Deponent heard that Day; but heard several Shots thereafter; and that the Shot which the Pannel fired, was soon after the deceased *Andrew Wilson* was cut down. *Causa scientiæ patet.* And this is the Truth, as he should answer to GOD.

Wit. XVII. *James Naysmith*, Servant to *Colin Alison*, Wright in *Edinburgh*, aged 26 Years, or thereby, married, solemnly sworn, purged of Malice, partial Counsel, examined and interrogate, deponed, That, Time and Place libelled, and soon after the deceased *Andrew Wilson* was cut down from the Gibbet, the Deponent being upon the Causey of the north-east end of the Scaffold, beginning to take down the Scaffold, and did then hear the Pannel, who was towards the north end of the Scaffold, say several times to the Soldiers under his Command, *Fire, and be damn'd*; and at the same time saw the Pannel advancing west-ward, with his Piece presented in his hand. And immediately after hearing the foresaid Words, he heard several Shots go off; and when the foresaid Words were spoken by the Pannel, he was passing by the Deponent westward, about a Yard or two distant from him. *Causa scientiæ patet.* And this was Truth, as he should answer to GOD.

Wit. XVIII. *David Brown*, Servant to *Colin Alison*, Wright in *Edinburgh*, aged 28 Years, or thereby, unmarried, solemnly sworn, purged of Malice,

Malice, partial Counsel, examined and interrogate, *deponed*, That, Time and Place libelled, and after the deceased *Andrew Wilson* was cut down from the Gibbet, the Deponent then being standing on the east end of the Scaffold, assisting to pull it down, and then saw the Pannel going along on the north side of the Scaffold westward, and heard him give Orders to the Soldiers under his Command, *to fire*, but does not remember the particular Expression: and immediately upon the Orders being given, as aforesaid, he heard several Shots, and when the Deponent heard the Pannel give the foresaid Orders, he was about the Distance of the Breadth of the Scaffold from him. *Causa scientiæ patet*. And this was Truth, as he should answer to G O D.

Wit. XIX. *Matthew Reid*, Servant to *Thomas Miln*, Deacon of the Masons in *Edinburgh*, aged 33 Years, or thereby, married, solemnly sworn, purged of Malice, partial Counsel, examined and interrogate, *deponed*, Time and Place libelled, and soon after the deceased *Andrew Wilson* was cut down from the Gibbet, the Deponent being standing upon the plain Stones near Captain *Tod's* Shop, he saw the Pannel going from the Well at the *Bow-foot* westward, and saw him fire the Gun that was in his hand, and thereafter give Orders to the Soldiers under his Command to fire; thereafter heard him call to the Soldiers to level their Pieces, and saw the said Soldiers fire: And that the Shot fired by the Pannel, as aforesaid, was either the first or second Shot, which Shot he fired standing to the north-east of the Scaffold, half way 'twixt that and the *Bow-foot* Well; and that when the Pannel ordered the Soldiers to level their Pieces, he was some Yards nearer the Foot of the *Bow*. *Causa scientiæ patet*. And this was Truth, as he should answer to G O D.

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Wit. XX. *James Maxwell*, Servant to *Colin Allison*, Wright in *Edinburgh*, aged 32 Years, or thereby, married, solemnly sworn, purged of Malice, partial Counsel, examined and interrogate, *deponed*, That, the Time and Place libelled, after *Wilson* was cut down, and put in his Coffin, there was some Stones thrown by the Mob amongst the Guard, upon which he heard the Pannel order the Soldiers to turn in, and immediately heard him give the Soldiers Orders to fire, and be damn'd; and then saw him advance two or three Paces, and saw his Gun cock'd, and his Thumb upon the Dog-head, and saw him fire the Gun; and immediately, before he heard any other Shots, he saw a Boy fall, near a Copper-smith's Shop, to the north-west of the Place from which the Pannel fired his Gun; there were six or seven more Shots after the Orders were given, and then he saw three Men and a Woman fall, one of which had a Wound in his Forehead, and another on the side of his Head. That after the Soldiers fired, as aforesaid, he heard the Pannel say to one of the Soldiers, That if he did not fire, he would take his Piece from him. *Deponed*, That he the Deponent was then standing on the south side of the Scaffold, helping to pull it down, when he heard and saw what is above deponed upon; and that the Pannel was upon the north side of the Scaffold, about ten Yards from it, over-against the middle of the Scaffold; and *deponed*, That the Pannel's Shot at that time, was the first he heard then shot. *Deponed*, That he was present all the time, from *Wilson's* coming down to his Execution, 'till after he was cut down and carried away, during which time he heard no Shot fired, until that fired by the Pannel. *Causa scientiæ patet*. And this was Truth, as he should answer to G O D.

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Wit. XXI. *William Douglass*, one of the Soldiers of the City Guard of *Edinburgh*, aged 47 Years, or thereby, married, solemnly sworn, purged of Malice, partial Counsel, examined and interrogate, *deponed*, The Time and Place libelled, as the Executioner was going up the Ladder to cut down *Wilson*, there were several Stones thrown at him, which obliged him to come down the Ladder; at the same time there were several Stones thrown amongst the Guard, before *Wilson* was cut down; at which time he heard the Pannel say to the Soldiers, *Be damn'd to you Bougars, fire*; after which he heard several Shots fired by the Men: but knows nothing of the Pannel's having fired; and that these were the first Shots he heard fired that Day, to the best of his Knowledge. *Deponed*, That the Pannel, when he uttered the Words before mentioned, was standing at the South-side of the Gallows. *Deponed*, That the first Shots were fired before *Wilson* was cut down, and likewise some of them thereafter. *Causa Scientiæ patet*. And this was Truth, as he should answer to GOD; and declared he could not write.

Wit. XXII. *Archibald Yetts*, Lister in the *Abbey of Holy-rood-house*, aged 48 Years, or thereby, married, solemnly sworn, purged of Malice, partial Counsel, examined and interrogate, *deponed*, That, the Time and Place libelled, a little after *Wilson* was cut down from the Gallows, he saw the Pannel fire his Piece among the Multitude, and immediately heard him say to his Men, *Level your Pieces, and fire, and be damn'd*; whereupon there was a great many Shots fired by them; and saw the Pannel take a Gun from one of the Men, which he, the Pannel, fired. *Deponed*, That he, the Deponent, was within six Yards of the Pannel when
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he fired, and spoke the Words before mentioned, *Deponed*, That, at the time when the Pannel took the Gun from the Soldier, he laid his own upon the Scaffold, and that there were some Persons, but very few, then standing upon the Scaffold. *Deponed*, That betwixt the time that the Pannel fired his own Piece, and his taking the Gun from the Soldier, as aforesaid, it might be about eight or nine Minutes. And *deponed*, That at the time he fired the second Gun, there were several other Guns fired at the same time. *Deponed*, That there was no Shot fired, before the first Fire by the Pannel, and that the second Shot, fired by the Pannel, was near the same Place where he fired the first, and that he moved not above six or seven Yards betwixt the first Firing and the second; and that some of the Soldiers followed the Pannel in that space, and returned with him again to the Place where he fired first. *Causa Scientiæ patet*. And this was Truth, as he should answer to GOD.

Wit. XXIII. *William Murray*, Barrow-man, and Indweller in *Edinburgh*, aged 27 Years, or thereby, married, solemnly sworn, purged of Malice, partial Counsel, examined and interrogate, *deponed*, Time and Place libelled, the Deponent being present at the Execution of *Andrew Wilson*, he did observe two of the Soldiers under the Pannel's Command, fire their Guns; but the Guns were fired up in the Air. Thereafter, he observed the Pannel fire his Gun amongst the Multitude; whereupon he observed a Boy drop down, and did hear the Pannel call out to the Soldiers, *Damn them for Rogues, why did they not fire even forward, and clean the Street?* At which time the Deponent was standing about the South-Pillar of the *Corn-Market*, about twenty Yards distance from the Pannel, as he apprehended. Farther *deponed*, That,

That, after the said first firing, he observed the Pannel take a Gun out of a Soldier's Hand, and fire again, directing it toward a Man he was pursuing, which he did thirty or forty Yards; and, upon firing, he observed the Person, so pursued, fall down. And being interrogate, how long his present Dulness of hearing remain'd with him? *deponed*, he has been as dull of hearing these seven Years past. *Deponed*, That the two Shots, from the two Soldiers, were the first firing he heard upon that occasion. *Causa Scientiæ patet*. And this was the Truth, as he should answer to GOD.

Wit. XXIV. *James Nicol* Watchmaker in *Canongate*, aged 36 Years, or thereby, married, solemnly sworn, purged of Malice, partial Counsel, examined and interrogate, *deponed*, That he was present, Time and Place libelled, at the Execution of *Andrew Wilson*, and then he did observe the Pannel fire his Gun, holding it out straight before him, amongst the Multitude there assembled; and, as he heard the Report of the Gun, so he observed the Smoke of the Powder coming from the Gun; and this Shot was the first he heard upon that occasion: and the Pannel, when he thus fired, was standing 'twixt the Gibbet and one *Mr. Cunningham's Shop*, on the North-side of the Street, near the North-east End of the Scaffold. *Causa Scientiæ patet*. And this was Truth, as he should answer to GOD.

Wit. XXV. *William Jamieson*, Merchant in *Edinburgh*, aged 24 Years, or thereby, married, solemnly sworn, purged of Malice, partial Counsel, examined and interrogate, *deponed*, That he was present, Time and Place libelled, at the Execution of *Andrew Wilson*; and, about the time when they were cutting down the Criminal, the
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Deponent, then standing within three or four Yards of the Pannel, did hear him give Orders to the Soldiers, that were behind him, to fire ; and immediately thereafter, he did hear the Pannel fire the Gun that was in his own Hand ; and, upon his firing, observed the Smoke of the Powder come from it ; thereafter he observed the Pannel take a Gun from one of the Soldiers, but what use he made thereof, he knows not ; and it was very short time 'twixt the Pannel's firing, and his taking the Gun from the Soldier ; as also a very short Distance 'twixt the Place where he fired, and where he took the said Gun ; the Place of his firing, to the Deponent's Memory, being near to *Robertson's* Clofs-Head ; and where he took the Gun, was a very little way up the Street from it ; and the Shot he heard from the Pannel's Gun, was the first he heard that Day. *Causa scientiæ patet.* And this was Truth, as he shall answer to GOD.

Wit. XXVI. *John Moffat*, Baxter, and Servant in the common Bake-house in *Hastie's* Clofs, *Edinburgh*, aged 26 Years, or thereby, married, solemnly sworn, purged of Malice, partial Counsel, examined and interrogate, *deponed*, That, at the Time and Place libelled, the Deponent was standing in *Mr. Orr's* Door, on the South-side of the *Grass-market* ; and, some short time after *Wilson* was cut down, he saw the Pannel take a Gun out of one of the Soldier's Hands, before *Mr. Tod's* Shop-door, which he immediately fired off towards the North-west, a little before which, the Deponent saw him fire his own Gun from the same Place ; that, upon the Captain's firing, the Deponent saw some of the Soldiers, who stood behind the *Corn-market*, fire their Guns up in the Air. *Causa scientiæ patet.* And this was Truth, as he should answer to GOD.

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Wit. XXVII. *John Steuart*, Merchant in *Edinburgh*, aged 30 Years, or thereby, unmarried, solemnly sworn, purged of Malice, partial Counsel, examined and interrogate, *deponed*, That, at the Time and Place libelled, the Deponent was standing in a Window of *Vine-garden's* House, on the South-side of the Scaffold; that, some short time before *Wilson* was cut down, upon some Stones being thrown at the Hangman, he observed the Pannel jump down from the South-side of the Scaffold, and walk up briskly towards the Place where the Disturbance was, but nothing in his Hand but a Cane. Immediately after this, *Wilson* was cut down; upon which the Guard, that attended the Execution, began to march up the *Bow*; and that, at the North-west Corner of the Gallows, he observed the Pannel take a Gun out of a Soldier's Hand, with which he pushed back the Multitude; and that, when the Pannel came the length of the *Bow-foot*, being upon the Rear of his Men, he saw him receive a Stroke with a Stone; upon which he suddenly turned about, and waved his Piece to and again towards the Multitude, but without firing: but a very little after that, he turned about, all at once, and stepped some Steps forward, and fired off his Piece towards the Croud Westward; that this was the first Shot which the Deponent either heard or saw made that Day. *Causa scientiæ patet*. And this was Truth, as he should answer to GOD.

Wit. XXVIII. *John Gib*, Cow-feeder in *Canon-gate*, aged 44 Years, or thereby, married, solemnly sworn, purged of Malice, partial Counsel, examined and interrogate, *deponed*, That, Time and Place libelled, he was standing at Mr. *Robertson's* Clofs-head in the *Grass-market*; that, a very little after

after the Hangman had been on the Ladder, as he thought, to cut down *Wilson*, he observed the Pannel, with his Gun in his Hand, advance towards the Croud, where the Disturbance was, and present his Piece three times; the last of which times, the Deponent thought, he fired her off; for he saw the Priming burn to the Pan, but could not see the fiery Smoke at the Muzzle, because of the Croud; neither could he, with certainty, distinguish the Report, because several other Pieces were fired off at the same time. That, upon these Pieces being so fired, he saw one *Mac Neil* drop down at the *Muse-well*; that, before the Firing above-mentioned, he neither heard nor saw a Shot made that Day. *Causa scientie patet.* And this was Truth, as he should answer to GOD.

Follows the Depositions of the Witnesses adduced for the Pannel.

GEORGE SMITON, Writer in *Edinburgh*, aged 30 Years, or thereby, married, solemnly sworn, purged of Malice, partial Counsel, examined and interrogate, *deponed*, That, Time and Place libelled, he was present at the Execution of *Wilson*; that whilst the Executioner was doing his Duty, he saw Captain *Porteous* come off the Scaffold, because the Mob was crouding upon the Guard; and whilst the Pannel was endeavouring to keep off the Mob, he saw a Man with a silk Napkin about his neck, press upon the Pannel, and seem to endeavour to grasp at him, but that a young Gentleman there in green Clothes, kept him off; and then the Pannel returned to the Scaffold. But about the time the Criminal was cutting down, or to be cut down, the Pannel went off the Scaffold again, and about that time there was Stones thrown by

by the Mob at the Hangman and the Guard, and some of them fell amongst the Guard: That so far as the Deponent could observe, being upon a Bar-tazine upon the south side of the Scaffold, five Stories high, the Stones seemed to be pretty large, but the Deponent cannot tell the Dimensions; and then he soon observed a Shot, which was the first that he observed, and came from one of the Soldiers; and this Shot was after the Criminal was cut down: and after this Shot followed, in a very little, three or four other Shots; and at this time the Pannel had his Piece presented toward the Multitude, and that he saw the Flash of the Pan of the Soldier's Gun that fired the first Shot. *Deponed*, That the Pannel was pretty near the Soldier that fired the first Gun. *Causa scientiæ patet*. And this was Truth, as he should answer to G O D.

Wit. II. *Thomas Harton*, Doctor in the Regiment of *Welsh* Fuzileers in the *Canongate*, aged 39 Years, or thereby, unmarried, solemnly sworn; purged of Malice, partial Counsel, examined and interrogate, *deponed*, Time and Place libelled, he was present at the Execution of *Wilson*, where he saw several Stones thrown by the Mob at the Guard, of such bigness that was sufficient to have killed them, in case they had hit them in a proper Place, which continued some little time. *Deponed*, That while the Criminal was hanging upon the Gallows, the Deponent saw a Man press towards the Pannel, and being come near him, he held up his Hand to him in a threatening manner, but the Deponent did not hear what Words he uttered. *Deponed*, That when the Pannel was upon the Scaffold, he had no Gun in his hand, but when he came off again, he took a Gun from a Soldier. *Deponed*, That when the Pannel came off the Scaffold, he went about to the west side, and turned about towards

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the North, endeavouring to get his Men together, which he could not well do, they being so much interspersed with the Mob; and then continuing still to throw the Stones, the Pannel turned about with his face toward the west, and having his Fuzee in such a manner in his hand as if he had not designed to fire, but waving it from side to side, rather seeming to intimidate them; and at this time there was a Soldier came up upon his right-hand, and fired close by the Pannel, and this was the first Shot that the Deponent observed. And *deponed*, That he had his Eyes strictly upon the Pannel all this time. *Deponed*, That he did not see the Pannel fire; and he is very well assured that he did not fire at that time. *Deponed*, That this Shot was immediately after the Criminal was cut down. *Deponed*, That after this the Pannel endeavoured to carry off his Men. *Deponed*, That the Soldier that came up by the Pannel's right-side, came up from behind him. *Causa scientiæ patet*. And this was Truth, as he shall answer to GOD.

Wit. III. *David Rannie*, Merchant in *Edinburgh*, aged 40 Years, or thereby, married, solemnly sworn, purged of Malice, partial Counsel, examined and interrogate, *deponed*, That after the first Firings were over, the Deponent, from his own Window in the Land above *Bailie Dewar's*, at the Foot of the *Bow*, saw the Pannel drawing off his Men, and marching up the *Bow*, halt at *Bailie Crockat's Shop*, at which time the Deponent heard some Soldiers fire, which the Deponent apprehended was in the Rear, the Deponent looking upwards, and they that fired not being under his eye. *Causa scientiæ patet*. And this was Truth, as he should answer to GOD.

Wit. IV. *John Clerk*, Serjeant in the Regiment of *Welsh* Fuzileers, aged 33 Years, or thereby, unmarried, solemnly sworn, purged of Malice, partial Counsel, examined and interrogate, *deponed*, That the Time libelled, the Deponent was sent by the Captain who commanded the Detachment of the King's Forces in the *Lawn-market*, to the Place of Execution, to get Orders from the Magistrates or the Pannel; and having gone up to the Scaffold, and while the Deponent was conversing with the Pannel, he saw a Stone thrown at the Executioner, which cut him on the Nose, so that he bled; and about the same time, there was a Stone about the bigness of the Deponent's two Fists, hit the Calf of the Deponent's Leg, upon which the Deponent, with the Pannel, came down from the Scaffold; and thereafter saw the Pannel moving his Fuzee, in order to keep off the Croud, who had by that time pressed upon the Guard, and drove them about four or five Yards from the Place where they were posted at first; and thereafter the Deponent saw Captain *Porteous* endeavouring to keep off the Mob with his Fuzee, waving it to and again, telling them, *to keep off, or he would fire*; but that there was no Fire at that time. And the Deponent then walking towards the *West-bow*, saw four or five of the Soldiers presenting their Pieces, and saw one of them advance to the right, where the Deponent was standing, and fire upon the Croud, which was the first Shot the Deponent heard: at which time the Deponent saw the Pannel upon his left hand, about seven Yards from him; and then the Deponent saw two others of the Soldiers come up betwixt the Pannel and the Deponent, and fire in the Air; and thereafter heard four or five more Shots, which the Deponent thinks was fired betwixt the Place where the Deponent was standing, and the Pannel; and

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the Deponent, during that time, had his Eye fixed upon those who fired, and did not observe that Captain *Porteous* fired, or gave Orders to fire; and upon the first Shot, as aforesaid, the Deponent observed a Man drop at the Entry of *Robertson's* Clofs. *Causa scientiæ patet.* And this was Truth, as he should answer to GOD.

Wit. V. *Colin Campbell* of *Ardonnick*, aged 44 Years, or thereby, married, solemnly sworn, purged of Malice, partial Counsel, examined and interrogate, *deponed*, That, at the Time and Place libelled, the Deponent, in a Window from Mrs. *Carmichael's*, opposite to the Scaffold, observed no Disturbance, 'till once the Executioner was going up the Ladder to cut down the deceased *Wilson*, and then saw some Stones thrown at the Executioner, upon which he retired. And as he was passing the *Corn-market*, the Deponent observed one of the Stones hit him, and saw some Stones thrown at the Guard, who were upon the north side of the Scaffold, and saw the Pannel making Motions with his Fuzee, to keep off the Mob, and afterwards turned towards the Foot of the *Bow* very civilly; and then saw a Stone hit one of the Soldiers, and which Soldier the Deponent saw present his Firelock; and saw another Stone hit the same Soldier, and thereupon the said Soldier pointed his Firelock westward, and fired immediately, and another Soldier fired immediately after him; which Firing took the Deponent's Eyes from off the Pannel; and which two Firings, the Deponent thinks, were the first that were fired, and were fired by the said two Soldiers, who had advanced among the Croud from their Party. *Causa scientiæ patet.* And this was the Truth, as he should answer to GOD.

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Wit. VI. *William Meanie* Serjeant in the City-Guard of *Edinburgh*, aged 48 Years, or thereby, married, solemnly sworn, purged of Malice, partial Counsel, examined and interrogate, *deponed*, That, Time and Place libelled, and about the time the deceas'd *Andrew Wilson* was cut down, there were Showers of Stones thrown at the Guard ; and particularly, one big Stone lighted betwixt the Deponent and Serjeant *Finlay*, above three Pound weight, and that the Drummer was cut in the Head with a Stone, and the Drum broke with a Stone ; and that *Alexander Muschet* Centinel, one of the Guard, had his Shoulder-blade broke with a Stone : and that, before these Strokes were given, the Deponent, by Order of the Pannel, was drawing off and forming his Men in the Foot of the *Bow*. That the Pannel gave the Deponent his Fuzee, (which was the Fuzee the Pannel ordinarily carried) to keep while he attended the Execution and the Prayers, which the Deponent returned to the Pannel again, upon the Sign's being given to cut down *Wilson*, and before the Pannel came down from the Scaffold. *Causa Scientiæ patet*. And this was Truth, as he should answer to GOD.

Wit. VII. *Alexander Campbell*, Apprentice to *George Young* Surgeon in *Edinburgh*, aged 18 Years, or thereby, unmarried, solemnly sworn, purged of Malice, partial Counsel, examined and interrogate, *deponed*, That, at the Time and Place libelled, he saw several Stones thrown among the Guard, after *Wilson* was cut down, and saw two of the Soldiers of the Guard step aside from among the rest, and fire ; and these were the two first Shots that he heard. *Causa Scientiæ patet*. And this was the Truth, as he should answer to GOD.

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Wit. VIII. *Matthew Howert*, Soldier in the City-Guard of *Edinburgh*, aged 40 Years, or thereby, married, solemnly sworn, purged of Malice, partial Counsel, examined and interrogate, *deponed*, That he was present at *Wilson's* Execution, at the Time libelled ; and that, before and after *Wilson* was cut down, there were a great many Stones, both great and small, thrown among the Guard by the Mob ; that, after the Pannel came down from the Scaffold, he saw him wave his Piece he had in his Hand, but did not offer to present it ; then he saw a Soldier step out from the rest, and fire his Piece in the Air ; as likewise, two or three Soldiers, that fired thereafter, did likewise fire their Pieces in the Air ; and that these, who fired first, were standing close by the Pannel and the Deponent, and these were the first Shots he heard that Day. And he heard the Soldiers say one to another, *Fire, or we shall be all knock'd down* ; and, upon more Stones being thrown among them, several of them did fire ; but, before that time, he heard the Pannel say to the Soldiers twice, *Don't fire*. After these Shots were fired, the Captain marched up towards the *Bow*, and the Men followed him ; that, at the time that the Shots were fired, as aforesaid, the Pannel was standing at the Foot of the Steps of the Scaffold, with his Face towards the Castle ; and *deponed*, he was one of those that followed the Captain, nor did he see the Captain fire, as he was going up the *Bow* ; that when the Captain was marching, upon the Head of the Men, up the *Bow*, he heard a dropping Shot or two fired from the Rear, nor did he see the Captain return again towards the Scaffold, but marched streight on up to the Town. *Causa Scientiæ patet*. And this was Truth, as he should answer to GOD.

Wit.

Wit. IX. *David Martin*, Soldier, in the City-Guard of *Edinburgh*, aged 40 Years, or thereby, married, solemnly sworn, purged of Malice, partial Counsel, examined and interrogate, *deponed*, That the Deponent was one of the Party of the City-Guard, who attended the Execution of *Andrew Wilson*; and, before there was any firing, he did hear the Pannel call to them, *Not to fire*; and before that, the Deponent had his Shoulder-blade disjointed, with a Stroke he received upon it with a Stone. *Causa scientiæ patet*. And this is Truth, as he shall answer to GOD; and declared he could not write.

Wit. X. *William Byres*, Soldier in the City-Guard of *Edinburgh*, aged 51 Years, or thereby, married, solemnly sworn, purged of Malice, partial Counsel, examined and interrogate, *deponed*, That he was one of the City-Guard, who attended the Execution of *Andrew Wilson*, and that he did not hear Captain *Porteous* give any Orders to fire; but when the firing happened, he was at some distance from the Pannel. After the firing of several Shots, the Pannel called upon the Soldiers to fall into their Ranks, and follow him, which accordingly the Deponent and the rest did, falling in gradually, as they were able, and followed him to the Guard-house, till they were dismissed; and, in their March up the *Bow*, did hear one Shot that came from the Rear, but by whom he knows not. *Causa scientiæ patet*. And this was Truth, as he should answer to GOD.

Wit. XI. *James Armour*, Writer to the Signet, aged 50 Years, or thereby, married, solemnly sworn, purged of Malice, partial Counsel, examined and interrogate, *deponed*, That he was
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looking over a Window to see the Execution of *Andrew Wilson*: After the Criminal was thrown over, and cut down, he observed the Croud of People throwing Stones of considerable Bigness, but against whom they were directed, he knows not; but they fell among the Soldiers, upon which heard two or three Shot, but from whose Hand he did not observe. Thereupon there was an Intermission for two or three Minutes; but thereafter, when the Pannel, with his Party, were retiring, which they did in great Confusion and Disorder, the Croud pursued after them, renewed the throwing of great Stones, and in great Numbers; upon which some of the Soldiers turned about, and marched back some eight or ten Paces, still in Disorder, and then heard a good Number of more Shots fired, which, to his Grief, he saw did great Execution. *Causa scientiæ patet.* And this was Truth, as he should answer to GOD.

Wit. XII. *John Robertson*, Stabler, in the *Grass-market* of *Edinburgh*, aged 30 Years, or thereby, married, solemnly sworn, purged of Malice, partial Counsel, examined and interrogate, deponed, That, at the Time libelled, as he stood in his own Window in the *Grass-market*, he saw the Pannel, with his Piece in his Hand, moving it to and again, keeping off the Mob; and heard him say, *Fire*, or, *I will fire*; does not know which of the two; that immediately, after this, he saw a single Man step out three or four Paces before Captain *Porteous*, and fire his Piece: And the Depo-
nent verily believes, that the People, who fell near his Clois, got their Wounds by that Shot, because they were lying in that Place towards which the Man seemed to point. Deponed, That he heard some Firing towards the Foot of the Bow, before the last mentioned Shot. *Causa Scientiæ patet.*
And

And this was the Truth, as he should answer to GOD.

Wit. XIII. *George Vint*, Coal-grieve to Sir *William Baird* of *Newbyth*, aged 46 Years, or thereby, married, solemnly sworn, purged of Malice, partial Counsel, examined and interrogate, *deponed*, That, at the time libelled, he was in *John Robertson's* Window in the *Grass-Market*, when he observed the Pannel moving his Piece to and again, as if keeping off the Mob; and, at the same time, he saw one of the Soldiers, a black-haired Man, step forward before the Pannel, and fire his Piece; upon which the Pannel turned about to him, and pushed him into his Rank. *Deponed*, That he did not see the Pannel fire at that time, or any other, and that the abovementioned Shot was the first he heard or saw that Day. *Causa Scientiæ patet*. And this was Truth, as he should answer to GOD.

Wit. XIV. *Alexander Thomson*, Town-Officer in *Edinburgh*, aged 40 Years, or thereby, married, solemnly sworn, purged of Malice, partial Counsel, examined and interrogate, *deponed*, That, being upon the Scaffold on the 14th of *April* last, when *Wilson* was executed, the Pannel sent him to the Magistrates, who were in *William Orr's* House, to know of them, how long the Criminal should yet hang upon the Gallows? That he returned to the Pannel with the Magistrates Directions, which was, that he should still hang a Quarter of an Hour; but, before the half of that time was expired, *Wilson* was cut down. *Causa Scientiæ patet*. And this was Truth, as he should answer to GOD.

Wit. XV. *Peter Colston* Merchant in *Edinburgb*, aged 25 Years, or thereby, married; solemnly sworn, purged of Malice, partial Counsel, examined and interrogate, *deponed*, That, Time and Place libelled, and after the first Firing, the Deponent being standing under the North-west Corner of the *Corn-Market*, saw the Pannel march the Guard, under his Command, up the *West-Bow*, and saw several of the Rear of that Guard fire upon the People assembled at the Execution; and, at the same time, observed, that the Pannel was within the first Turn of the *West-Bow*, and so out of the Deponent's View. *Causa Scientiæ patet*. And this was Truth, as he should answer to GOD.

Wit. XVI. *John Kennedy*, Chirurgeon in *Edinburgb*, aged 50 Years, or thereby, married, solemnly sworn, purged of Malice, partial Counsel, examined and interrogate, *deponed*, That, some short time after the Execution of *Andrew Wilson*, in *April* last, the Deponent attended the Persons of the Town-guard after mentioned, *viz. Alexander Muschet* Soldier, the Spene of whose Shoulder-bone was crushed, and *Alexander Braid* Soldier, who had a Contusion in his right Foot; both which Persons informed the Deponent, That they received these Hurts at the Execution of the said *Andrew Wilson*; and that the last mentioned Person is lame to this Day. *Causa scientiæ*. The Deponent was employed to wait upon the said Persons. And this was Truth, as he should answer to GOD.



V E R D I C T

Returned by the foresaid JURY,
20th July 1736.

THE above Assize, having inclosed, did chuse Sir John Inglis of Cramond, to be their Chancellor, and James Davidson, Bookseller in Edinburgh, to be their Clerk. And having considered the Indictment, at the Instance of Duncan Forbes, of Cullo-den, Esq; his Majesty's Advocate, for his Highness's Interest, against John Porteous, late one of the Captain-Lieutenants of the City-guard of Edinburgh, Pannel, with the Lord Justice-Clerk, and Lords Commissioners of Justiciary, their Interlocutor there-upon, and Depositions of the Witnesses adduced for proving thereof, the Pannel's own judicial Confession, and Depositions of the Witnesses adduced for the said John Porteous Pannel, his Exculpation; they all, in one Voice, find it proven, That the said John Porteous Pannel, fired a Gun among the People assembled at the Place of Execution, and Time libelled. As also, That he gave Orders to the Soldiers, under his Command, to fire; and, upon his and their so

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firing.

firing, the Persons, mentioned in the Indictment, were killed and wounded. And find it proven, That the Pannel, and his Guard, were attack'd and beat by several Stones, of a considerable Bigness, thrown amongst them by the Multitude, whereby several of the Soldiers were bruised and wounded. In witness whereof, our said Chancellor and Clerk, in our Name, have subscribed thir Presents, Day and Place foresaid. Signed,

JOHN INGLIS, Chancellor.

JAMES DAVIDSON, Clerk.



S E N T E N C E

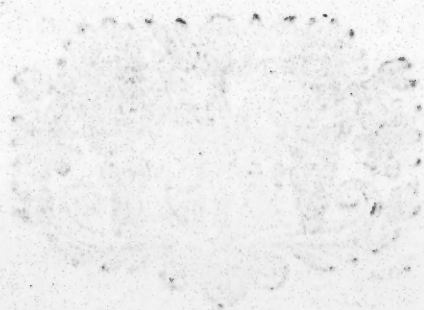
Pronounced by the LORDS, upon the Jury's returning their above Verdict, 20th July 1736.

THE Lord Justice-Clerk, and Lords Commissioners of Justiciary, having considered the Verdict of Assize returned against John Porteous Pannel, of this Date; they, in respect thereof, by the Mouth of John Dalglish Dempster of Court, decerned

decerned and adjudged the said John Porteous to be taken from the Tolbooth of Edinburgh, upon Wednesday the Eighth Day of September next to come, to the Grass-Market of Edinburgh, the common Place of Execution of the said Burgh, betwixt the Hours of Two and Four of the Clock of the Afternoon of the said Day, and there to be hanged by the Neck, upon a Gibbet, by the Hands of the Executioner, until he be dead; and ordained all his moveable Goods and Gear to be escheat, and in-brought to his Majesty's Use: which was pronounced for Doom.



[The following page contains faint bleed-through from the reverse side of the document.]



In a few Days will be published,

THE Information for his Majesty's Advocate, for his Highness's Interest, against Captain *Porteous*; and also the Information in behalf of *Porteous*, in answer thereto. Being the Pleadings on both sides.

Together with the PETITION which was presented to HER MAJESTY, in behalf of *Porteous*, for a Pardon.

With a full and particular Account of the Method taken by the Mob in executing him, more authentic than any yet published; several very material Circumstances being omitted in the former Accounts.

[This, with the Trial now published, will give the Publick all the Satisfaction they can expect, in this surprizing Affair.]



